

# HOUSE BILL 794

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By: **Delegates Valentino-Smith, Alston, Dumais, McDermott, Mitchell, and Vallario**

Introduced and read first time: February 10, 2011

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Division of Parole and Probation – Pre-Parole Investigations for Inmates of**  
3 **Local Facilities**

4 FOR the purpose of requiring the Division of Parole and Probation to complete and  
5 submit to the Parole Commission the results of pre-parole investigations of  
6 certain inmates in local correctional facilities within a certain number of days of  
7 the inmates' commitment for the purpose of enabling the Parole Commission to  
8 determine the advisability of granting parole to those inmates; and generally  
9 relating to eligibility for parole.

10 BY repealing and reenacting, with amendments,  
11 Article – Correctional Services  
12 Section 7-301(a)  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Correctional Services**

18 7-301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (a)   (1)   Except as otherwise provided in this section, the Commission shall  
2 request that the Division of Parole and Probation make an investigation for inmates in  
3 a local correctional facility and the Division of Correction make an investigation for  
4 inmates in a State correctional facility that will enable the Commission to determine  
5 the advisability of granting parole to an inmate who:

6                           (i)   has been sentenced under the laws of the State to serve a  
7 term of 6 months or more in a correctional facility; and

8                           (ii)   has served in confinement one-fourth of the inmate's  
9 aggregate sentence.

10                   (2)   Except as provided in paragraph (3) of this subsection, or as  
11 otherwise provided by law or in a predetermined parole release agreement, an inmate  
12 is not eligible for parole until the inmate has served in confinement one-fourth of the  
13 inmate's aggregate sentence.

14                   (3)   An inmate may be released on parole at any time in order to  
15 undergo drug or alcohol treatment, mental health treatment, or to participate in a  
16 residential program of treatment in the best interest of an inmate's expected or  
17 newborn child if the inmate:

18                           (i)   is not serving a sentence for a crime of violence, as defined  
19 in § 14-101 of the Criminal Law Article;

20                           (ii)   is not serving a sentence for a violation of Title 3, Subtitle 6,  
21 § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the  
22 Criminal Law Article; and

23                           (iii)   has been determined to be amenable to treatment.

24                   **(4)   THE DIVISION OF PAROLE AND PROBATION SHALL**  
25 **COMPLETE AND SUBMIT TO THE COMMISSION EACH INVESTIGATION OF AN**  
26 **INMATE IN A LOCAL CORRECTIONAL FACILITY REQUIRED UNDER PARAGRAPH**  
27 **(1) OF THIS SUBSECTION WITHIN 60 DAYS OF COMMITMENT.**

28                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2011.